

## Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 L-03 EB-07 COME-00 /021 R

DRAFTED BY ARA/CEN:PHWACKERBARTH  
APPROVED BY ARA/CEN:LOWELL C. KILDAY  
L/ARA:MSAWYIER

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R 172206Z JUN 75  
FM SECSTATE WASHDC  
TO AMEMBASSY TEGUCIGALPA

UNCLAS STATE 141910

E.O. 11652: N/A

TAGS:CGEN, HO

SUBJECT: STATUS REPORT ON COURT CASE INVOLVING HONDURAN  
--- VESSEL "GOOD NEIGHBOR"

REF: (A) LAZAR/SHULER TELECON JUNE 13  
-- (B) WACKERBARTH/SHULER CONVERSATION MAY 30  
-- (C) TEGUCIGALPA 1574

1. CIVIL CASE OF ACUARIUS CLUB, AKA NATIONAL SKIN DIVING ASSOCIATION, (PLAINTIFF) AGAINST HONDURAN VESSEL M/V GOOD NEIGHBOR (DEFENDANT) OWNED BY ACUARIUS II CORP. OF GUANAJA BAY ISLANDS, HONDURAS, IN WHICH PLAINTIFF CHARGES FAILURE TO FULFILL CHARTER AGREEMENT, IS STILL PENDING BEFORE U.S. DISTRICT COURT FOR WESTERN DISTRICT OF LOUISIANA. THE DEPUTY CLERK OF COURT TOLD DEPTOFF THAT THAT CASE MAY COME UP FOR TRIAL IN AUGUST OR SEPTEMBER BUT NO TRIAL DATE HAS BEEN SCHEDULED. ON JUNE 4 THE COURT DENIED A MOTION BY THE PLAINTIFF FOR SALE OF THE VESSEL.

2. BANCAHSA HAS INFORMED COURT THAT IT HOLDS A MORTGAGE ON VESSEL THROUGH A LIEN FILED BY NORMAN PIZZA OF REUTER AND REUTER OF NEW ORLEANS WHO IS ALSO ATTORNEY FOR DEFENDANT ACUARIUS II. PIZZA STATES HE TOOK ACTION ON UNCLASSIFIED

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BEHALF OF BANCAHSA AT ITS REQUEST AND WITH PERMISSION OF DEFENDANT. PIZZA TURNED DOWN A REQUEST TO ALSO REPRESENT BANCAHSA IN CASE, BUT HE HAS SUGGESTED TO BANCAHSA THAT IT RETAIN LEGAL COUNSEL. AS FAR AS HE KNOWS BANCAHSA HAS

NOT YET DONE SO.

3. IT HAS BEEN SUGGESTED TO DEFENDANT THAT POSTING A BOND WOULD BE ONE WAY OF OBTAINING RELEASE OF THE VESSEL PENDING JUDGMENT. THE BOND WOULD BE EITHER DOLLARS 128,000, WHICH IS TWICE THE AMOUNT OF THE CLAIM, OR THE VALUE OF THE VESSEL WHICH HAS NOT BEEN DETERMINED. THE DEFENDANT CORPORATION HAS REJECTED THIS SUGGESTION BECAUSE IT LACKS FINANCIAL RESOURCES. SECURING BOND THROUGH A BONDING AGENT IS NOT FEASIBLE BECAUSE THE CORPORATION LACKS ASSETS IN THE U.S. WHICH COULD BE USED AS COLLATERAL. VESSEL FALLS INTO THIS CATEGORY BECAUSE OF ITS HONDURAN REGISTRY.

4. MARIO MARTIN, ECONOMIC COUNSELOR OF HONDURAN EMBASSY IN WASHINGTON, IS ALSO FOLLOWING CASE AND KEEPING BANCAHSA ADVISED OF DEVELOPMENTS. KISSINGER

UNCLASSIFIED

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Disposition Event:**  
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**Executive Order:** N/A  
**Errors:** n/a  
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**Review Action:** RELEASED, APPROVED  
**Review Authority:** greeneet  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16 Sep 2003 by MorefiRH>; APPROVED <14 JAN 2004 by greeneet>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Subject:** n/a  
**TAGS:** CGEN, HO  
**To:** TEGUCIGALPA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006